

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 03-C-0074-C
)	
GERKE EXCAVATING, INC.,)	
)	
Defendant.)	

**UNITED STATES' EXPEDITED MOTION
TO COMPEL ACCESS FOR INSPECTION PURSUANT TO FED. R. CIV. P. 45**

The United States of America, by Erik C. Peterson, United States Attorney for the Western District of Wisconsin, by Leslie K. Herje, Assistant United States Attorney for that District, in accordance with Fed. R. Civ. P. 45(c)(2)(C)(i), hereby submits this motion for an Order compelling Peter Thorson, Managed Investments, Inc., Construction Management Inc., and/or KAS Investments, LLC (collectively "Thorson") to provide the United States reasonable access to the Site and adjacent property at issue in this litigation for inspection and testing, as authorized by Fed. R. Civ. P. 45(a)(1)(C). This motion is supported by the accompanying brief and Declaration of Leslie K. Herje, which are incorporated herein by reference.

For the reasons set forth in the accompanying brief and Declaration of Leslie K. Herje, and because of the short time period available before the start of the growing season, the United States is requesting that the Court expedite its ruling on this motion

and issue a decision on the United States' motion no later than April 14, 2008, if possible. Alternatively, the United States requests that alternative dates be established based on the availability of the United States' experts prior to the start of the growing season.

Dated this 11th day of April, 2008.

ERIK C. PETERSON
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By:

/s/
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